

FACSIMILE COVER SHEET

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EXAMINER: John S. Brusca

COMPANY: U.S. Patent Office
Office of Petitions

FAX NO.: (703) 872-9306

SUBJECT/MESSAGE:

FROM: Frank C. Eisenchenk, Ph.D.

DATE: August 30, 2004

NO. OF PAGES
(INCLUDING COVER SHEET): 7

Re: Serial No. 09/693,333; filed October 20, 2000
Attorney Docket No. G-073US03REG

1. APPLICATION FOR PATENT ADJUSTMENT UNDER 37 CFR §1.705(B)

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AUG 30 2004

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent and
Trademark Office on the date shown below:

August 30, 2004Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 CFR §1.705(b)
Examining Group 1631
Patent Application
Docket No. G-073US03REG
Serial No. 09/693,333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : John S. Brusca
Art Unit : 1631
Applicants : Boguslaw A. Skierczynski and Nicholas J. Schork
Serial No. : 09/693,333
Filed : October 20, 2000
For : Methods of Genetic Cluster Analysis and Uses Thereof

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPLICATION FOR PATENT ADJUSTMENT
UNDER 37 CFR §1.705(b)

Sir:

The applicants filed the above-referenced patent application on October 20, 2000. The application was filed with all the appropriate documents, including a printed copy of the sequence listing and a computer readable disk of the sequence listing disclosed in the application. Attached is a copy of the self-addressed postcard received from the Patent Office verifying that the application was filed with the appropriate sequence listings, as well as the filing date and serial number.

Applicants received a Notice to File Missing Parts of Non-provisional Application which was dated January 8, 2001. The Notice to File Missing Parts of Non-provisional Application stated that the executed oath or declaration was missing from the filed application. The Notice requested that the executed document(s) be filed within two months, along with the appropriate late fee. Therefore,

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applicants filed a response to the Notice to File Missing Parts on June 8, 2001, which included a request for a three-month extension of time. Enclosed is a copy of the self-addressed postcard which accompanied applicant's response to the Notice to File Missing Parts, that indicates said response was received on June 11, 2001 by the Office of Initial Patent Examination (OIPE). The response to the Notice to File Missing Parts with an extension of time constituted an applicant delay of 95 days.

Applicants then received a Notice to Comply with Requirements for Patent Applications Containing Sequence Disclosures dated August 14, 2003. The Notice stated that applicants were given two months from the date of the Notice to comply. As mentioned above, the application was filed with the appropriate Statement Under §1.821(f), as well as a printed copy and a computer readable disk of the sequence listings disclosed in the subject application. Enclosed is a copy of the self-addressed postcard which indicates that applicants' response to the Notice to Comply with Requirements for Patent Applications Containing Sequence Disclosures was received by OIPE on September 11, 2003. The response to the Notice to Comply with Requirements for Patent Applications Containing Sequence Disclosures was filed within the time frame set forth in the Notice and, thus constituted no applicant delay.

An Office Action Summary requiring restriction of the subject application with a mailing date of March 23, 2004 was received by the applicants. As indicated above, this application was filed on October 20, 2000. Therefore, a first action under 35 U.S.C. §132 should have been mailed no later than December 20, 2001. However, a first action under 35 U.S.C. §132 was not mailed until March 23, 2004. This failure of the Patent Office to provide a first action under 35 U.S.C. §132 by this date constitutes a Patent Office delay of 824 days.

A response to this restriction requirement was filed by applicants. Enclosed is a copy of the self-addressed postcard that indicates applicants response was received on April 21, 2004, which constituted no applicant delay.

Upon review of the PAIR record, applicants note that an 899 day applicant delay for response to the Notice to File Missing Parts dated January 8, 2001 has been recorded for this application. Applicants respectfully assert that this is incorrect. As outlined above, applicants responded to the Notice to File Missing Parts on June 11, 2001, which constituted an applicant delay of only 95 days.

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Docket No. G-073US03REG
Serial No. 09/693,333

The applicants respectfully submit that they are entitled to 729 days of Patent Term Adjustment (824 days of Patent Office delay reduced by 95 days of applicants' delay, as outlined above).

Please charge the fee of \$200 for this Application for Patent Term Adjustment to Deposit Account No. 19-0065. Any additional fees as required by 37 CFR §§1.16 or 1.17 should be charged to Deposit Account No. 19-0065. Two additional copies of this Application are enclosed.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

FCE/gld

Attachments:

1. Copy of the self-addressed postcard dated October 20, 2000, for filing the application .
2. Copy of the self-addressed postcard dated June 11, 2003 for Response to Notice to File Missing Parts.
3. Copy of the self-addressed postcard dated April 21, 2004 for response to Restriction requirement.

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UTILITY/DESIGN PATENT

(Application)

Date: 10-20-00

Rec'd in the U.S.P.T.O. on the date stamped hereon:

Express Mail #: EL549987910US

Any. Dkt. #: 73,053,829

Atty: David L Bradfute

Applicant: Skierczynski et al

Title: Method of Genetic Cluster Analysis and Uses Thereof

☒ Patent Appln. in 47 pgs. incl. Spec and 24 Claims☒ Transmittal Form in 2 pgs. 72 pgs. Of Drawings☐ Preliminary Amendment in pgs.☐ Power of Atty. By assignee☐ Decl. and Power of Atty. In pgs.☐ Copy of Assignment in pgs☐ Decl. by Inventor(s) in pgs.☒ Sequence Listing in 43 pgs.☒ Filed Signed / Unsigned☐ Sequence Listing in computer readable form☐ Assignment in pgs.☐ Sequence Submission statement in 1 pgs.☐ Information Disclosure Statement; PTO-1449 w/ Ref(s)☐ Check for \$ Filing Fee☐ Revocation of Power of Attorney☐ Check for \$ for Assignment☐☒ Return Postcard

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Patent Amendment/Response/etc.
Docket No.: 73,053, REG

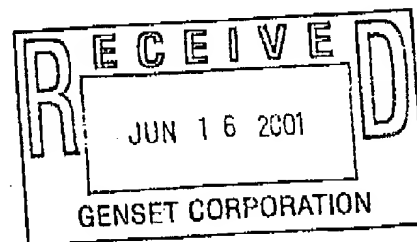
The Patent and Trademark Office date stamp sets forth the date of receipt of:

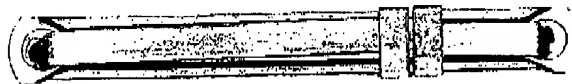
Applicant/Patentee: B. SKIERCZYNSKI, et al.
 No. (Appin./Appeal/Interference/Patent/Reexam): 09/693,333
 Filing/Issue Date: October 20, 2000
 Title: Methods of Genetic Cluster Analysis Uses Theoretical

☒ Transmittal Letter
☒ Assignment ☒ Recordation Cover Sheet(s)
☒ Statement of Ownership (37 CFR 3.73(b))
☒ Amendment/Response 2 pages
☐ Request for Continued Examination
☐ Maintenance Fee \$40.00 (2/99)
☒ Check \$130.00 (1/93), \$890.00 (1/99)
☐ Issue Fee ☐ Request Patent Copies
☐ Information Disclosure Statement
☐ PTO 1449 Form - pages
☐ Prior Art References - No. of Ref. 1
☐ Drawings pages Sheets:
☐ Formal ☐ Informal ☐ Other

☒ Declaration & Power of Attorney (N. Schick)
☐ Small Entity Statement
☐ Pet. for Extension of Time/ month(s)
☐ Status Inquiry
☒ Declaration (B. SKIERCZYNSKI)
☐ Request for Certificate of Correction
☐ Notice of Appeal
☐ Appeal Brief (3 copies) pages
☐ Reply Brief (3 copies) pages
☐ Deposit Account Order Form (2 copies)
☐ Other: Copy of Notice to File Missing Parts
☐ Statement under 37 CFR 3.73(b)
☐ Exp. Mkt. Label w/ copies of Assignment

Atty/Sec. Initials SL/amm Matter Name Genetic Cluster Analysis Date 6/8/2001





4/16/04

DOCKET NO.: G-073US03REG
APPLICANTS: Skierczynski, Schork
SERIAL NO.: 09/693,333
FILED : October 20, 2000

SUBMISSION TO PTO:

- 1) Election Under 35 U.S.C. §121 (Group 1, claims 1-5,
9-13, and 17-21)

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4/16/04

DOCKET NO.: G-073US03REG
APPLICANTS: Skierczynski, Schork
SERIAL NO.: 09/693,333
FILED : October 20, 2000



SUBMISSION TO PTO:

- 1) Election Under 35 U.S.C. §121 (Group 1, claims 1-5,
9-13, and 17-21)

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